

**From:** Luke Viscusi  
**Sent:** Thursday, April 20, 2023 8:39 AM  
**To:** 'Erin Ewald'  
**Subject:** RE: SEPA DNS and Comment Period for 202301819  
**Attachments:** SEPA Contacts 2023.pdf

**Categories:** This message has been archived by Retain on April 26 2023 23:48

Thanks, Erin! If there are any other contacts you believe this should be sent to, just let me know. My base contacts for SEPA just come from the generic Mason County list that we have (attached). And we pick and choose which ones we feel are relevant to a given project.

Sincerely,

**Luke Viscusi** (he/him) | Planner  
Mason County Community Services  
Office # 360-427-9670 ext. 282  
Cell # 360-490-3103  
[LViscusi@MasonCountyWA.gov](mailto:LViscusi@MasonCountyWA.gov)

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**From:** Erin Ewald <erine@taylorshellfish.com>  
**Sent:** Thursday, April 20, 2023 7:47 AM  
**To:** Lee, Rory W CIV USARMY CENWS (USA) <Rory.W.Lee@usace.army.mil>; Luke Viscusi <LViscusi@masoncountywa.gov>  
**Subject:** FW: SEPA DNS and Comment Period for 202301819

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Good morning Rory,

I didn't see you on the email list, so making sure you have it in your files.

Luke, Rory Lee is the Army Corps contact for these projects.

Hope you both are having an enjoyable Thursday.

Erin Ewald  
Director of Regulatory Affairs



130 SE Lynch Rd., Shelton, WA 98584  
W: (360) 432-3348 | C: (253) 606-2585

**From:** Luke Viscusi <[LViscusi@masoncountywa.gov](mailto:LViscusi@masoncountywa.gov)>

**Sent:** Wednesday, April 19, 2023 5:07 PM

**To:** [jdickison@squaxin.us](mailto:jdickison@squaxin.us); [emarbet@squaxin.us](mailto:emarbet@squaxin.us); [szaniewski@squaxin.us](mailto:szaniewski@squaxin.us); [sdinubilo@squaxin.us](mailto:sdinubilo@squaxin.us); [southpuget.region@dnr.wa.gov](mailto:southpuget.region@dnr.wa.gov); [ard@dnr.wa.gov](mailto:ard@dnr.wa.gov); [sepacenter@dnr.wa.gov](mailto:sepacenter@dnr.wa.gov); [smp@ecy.wa.gov](mailto:smp@ecy.wa.gov); Sanguinetti, Pamela A CIV USARMY CENWS (USA) <[Pamela.Sanguinetti@usace.army.mil](mailto:Pamela.Sanguinetti@usace.army.mil)>; [R6SSplanning@dfw.wa.gov](mailto:R6SSplanning@dfw.wa.gov); [brandonP@portofshelton.com](mailto:brandonP@portofshelton.com); [SEPA@dahp.wa.gov](mailto:SEPA@dahp.wa.gov); [joe.laxson@doh.wa.gov](mailto:joe.laxson@doh.wa.gov); Pucylowski, Teresa (ECY) <[tpuc461@ECY.WA.GOV](mailto:tpuc461@ECY.WA.GOV)>; Erin Ewald <[erine@taylorshellfish.com](mailto:erine@taylorshellfish.com)>

**Subject:** SEPA DNS and Comment Period for 202301819

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello All,

I am issuing a SEPA Determination of Non-Significance for the following project.

[SEPA record number 202301819, "Oakland Bay Floating Culture", Mason County File Number: SEP2023-00007](#)

The proposed project is to grow Pacific oysters and install a floating oyster bag system within a 50-acre area of Oakland Bay in Mason County. Taylor Shellfish is the applicant. The SEPA 14-day comment period starts tomorrow (4/20/23) and ends Thursday, 5/4/23. The project is currently in the review process for Shoreline Substantial Development and Shoreline Conditional Use Permits through Mason County, with a public hearing on 5/24/23. Please let me know if you have any questions about the projects and, of course, any comments for the SEPA comment period.

Sincerely,

**Luke Viscusi** (he/him) | Planner  
Mason County Community Services  
Office # 360-427-9670 ext. 282  
Cell # 360-490-3103  
[LViscusi@MasonCountyWA.gov](mailto:LViscusi@MasonCountyWA.gov)

MASON COUNTY DCD  
Sent SEPA

**SEPA Contact List**

to (check all that apply) on :

**Skokomish Tribal Nation, Nat. Res. Dept.**  
ATTN: Alex Papiez  
N 541 Tribal Center Rd., Skokomish Nation, 98584  
apapiez@skokomish.org

**Skokomish Tribal Historic Preservation Officer**  
ATTN: Kris Miller  
80 N Tribal Center Rd, Skokomish Nation, 98584  
shlanay1@skokomish.org

**Quinault Indian Nation**  
ATTN: Mark Mobbs  
PO Box 189, Tahola, 98587  
mmobbs@quinault.org

**Squaxin Tribal Nation, Natural Res. Dept.**  
2952 SE Old Olympic HWY, Shelton 98584  
jdickison@squaxin.us  
emarbet@squaxin.us  
szaniewski@squaxin.us  
sdinubilo@squaxin.us

**The Confederated Tribe of the Chehalis**  
ATTN: SEPA Reviewer- Glen Connelly  
420 Howanut Rd., Oakville, 98568  
gconnelly@chehalistribe.org

**WA DNR, South Puget Sound Region**  
950 Farman Avenue N, Enumclaw, 98022-9282  
southpuget.region@dnr.wa.gov

**WA DNR, Aquatic Resources**  
PO BOX 47027, Olympia, 98504-7027  
ard@dnr.wa.gov

**WA DNR, SEPA Center**  
ATTN: External Coordinator  
PO BOX 47015, Olympia, 98504-7015  
sepacenter@dnr.wa.gov

**Olympic Region Clean Air Agency**  
ATTN: Lauren Whybrew  
2940-B Limited Ln. NW, Olympia. 98502  
lauren.whybrew@orca.org

**Mason County Transit**  
ATTN: Amy Asher  
790 E Johns Prairie Rd, Shelton, 98584  
aasher@masontransit.org

**Mason County PUD #1**  
ATTN: Kristin Masteller  
N 21971 Hwy 101, Shelton, 98584  
kristinm@mason-pud1.org

Mason Cty P.W. ATTN:

Mason Cty E.H. ATTN:

Mason Cty Bldg ATTN:

School District:

**Mason County PUD #3**  
ATTN: Kristin French  
kristin.french@masonpud3.org

**WA Department of Ecology**  
Environmental Review Section  
PO BOX 47703, Olympia, 98504-7703  
[Online Sepa Record Submittal](#)  
smp@ecy.wa.gov

**WA Department of Commerce**  
reviewteam@commerce.wa.gov

**U.S. Army Corps of Engineers**  
SEPA Reviewer- Pam Sanguinetti  
PO Box C-3755, Seattle, 98124  
Pamela.Sanguinetti@usace.army.mil

**WA Dept. of Fish and Wildlife**  
~~R6SSplanning@dfw.wa.gov~~  
~~R6SSplanning@dfw.wa.gov~~  
~~R6CSTplanning@dfw.wa.gov~~

**WA Dept. of Transportation**  
ATTN: Andy Larson  
P.O. Box 47440, Olympia 98504-7440  
OR-SEPA-REVIEW@wsdot.wa.gov

**City of Shelton**  
ATTN: Jason Dose  
525 West Cota St., Shelton 98584  
jasond@ci.shelton.wa.us

**Port of Shelton**  
ATTN: Brandon Palmer  
21 West Sanderson Way, Shelton 98584  
BrandonP@portofshelton.com

**Dep't of Archaeology & Historic Preservation**  
P.O. Box 48343, Olympia, 98504-8343  
SEPA@dahp.wa.gov

**Tacoma Public Utilities - Real Property Services**  
ATTN: Matt Peter  
3628 S 35th St, Tacoma, WA 98409  
mpeter@cityoftacoma.org

**WA Department of Health**  
ATTN: Joe Laxson  
joe.laxson@doh.wa.gov

**Naval Base Kitsap Community**  
Allison.e.satter.civ@us.navy.mil  
nicole.m.leaptrot-figueras.civ@us.navy.mil

Other: *Teresa Pucylowski (ECY)*  
*tpuc461@ECY.WA.GOV*

Agent:

Applicant: *Erin Ewald (Taylor Shellfish)*  
*erine@taylorshellfish.com*

**David B Douglas and Virginia B Douglas**

3403 North 18<sup>th</sup> Street  
Tacoma, WA 98406

1020 E Sunset Road  
Shelton, WA 98584

P. O. Box 765  
Tacoma, WA 98401-0765

Home: 253-759-2565 / Office: 253-203-1326 / Cellular: 253-208-2277  
Office Facsimile: 253-203-1333

e-mail: [ddouglas@nai-ppsp.com](mailto:ddouglas@nai-ppsp.com) / [d.b.douglas@comcast.net](mailto:d.b.douglas@comcast.net) / [ginnydouglas@comcast.net](mailto:ginnydouglas@comcast.net)

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May 3, 2023

Luke Viscusi  
Planner  
Mason County Community Development  
615 Alder Street  
Shelton, WA 98584  
Email: [lviscusi@masoncountywa.gov](mailto:lviscusi@masoncountywa.gov)

**Re: Permit Application SHR 023-00003, Taylor Shellfish Substantial Development and Conditional Use Permit**

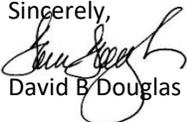
Dear Mr Viscusi:

We recently received a copy of the Notice of Application and Public Hearing for the referenced development and use permits from your office. This was the only communication we received regarding this project since we purchased our home in August, 2021, and therefore, the first time we were made aware of the Taylor Shellfish Company plans for Oakland Bay. We were extremely disappointed to learn the SEPA DNS has already been issued.

We are writing to express our concerns and hope to preserve the Oakland Bay environment by preventing final approval of this propose project. The Taylor Shellfish “floating oyster farm” creates very significant impacts:

1. **Property Views:** As a homeowner, our primary concern is for preservation of the property views over Oakland Bay. Installation of the farm will significantly decrease the value of Oakland Bay properties, which if the State and Mason County continue with the lease and approve the permit, is effectively a governmental “taking” through diminution in value for all adjacent properties. We request the Hearings Examiner consider the impact of this decision upon the entire Oakland Bay community and require compensatory damages for each ownership.
2. **Operational Limitations:** As proposed, Taylor Shellfish operations will occupy an area that is twice the size of an aircraft carrier. If approved, Taylor’s vessels will operate without restriction or regulation. The daily activities operating the farm will be disruptive and cause significant negative impact on the region.
3. **Recreation:** Diminished recreational opportunities on Oakland Bay will most definitely occur as the finished construction will prevent small vessels from passing over the farm. Watercraft will no longer transit north-south through the central portion of the bay, and due to 2,000-foot length of the farm, will be required at a minimum to travel an additional half mile sailing or rowing for both legs of a trip. The potential restriction of this area of the bay diminishes recreational boating opportunities for all people using the bay. It is very unfortunate this land lease has been finalized without regard to the recreational and outdoor sports participants depending upon Oakland Bay as a safe, reliable water for these activities.
4. **When we saw our first whales in the bay this last summer, it was a wonderful experience.** This oyster farm will cause disruption of the entire ecosystem; we will no longer see normal sea mammal activity, kayaks and canoes in the bay, and we won’t have unobstructed views. Instead, whatever peace and quiet we experience now will be replaced by unmonitored Taylor staff around the oyster installation and we will lose all the natural beauty that exists there now. We may as well have purchased property across the street from a supermall or distribution center.

We are firmly opposed to final approval of the Taylor Shellfish project by Mason County.

Sincerely,  
  
David B Douglas

  
Virginia B Douglas

May 3, 2023

FR: Melissa Kennedy & W. Dave Boynton  
980 East Sunset Road, Shelton, WA 98584  
[fitnessonfire@comcast.net](mailto:fitnessonfire@comcast.net)

TO: Luke Viscusi  
Planner, Mason County Community Development  
615 Alder Street, Shelton, WA 98584  
Email: [lviscusi@masoncountywa.gov](mailto:lviscusi@masoncountywa.gov)

**RE: Permit Application SHR 023-00003, Taylor Shellfish Substantial Development and Conditional Use Permit**

Dear Mr Viscusi:

We recently received a copy of the Notice of Application and Public Hearing for the referenced development and use permits from your office. This was the only communication we received regarding this projected have owned our property for more than 16 years, and therefore, the first time we were made aware of the Taylor Shellfish Company plans for Oakland Bay. Issuance of the SEPA DNS should never have happened without notification and communication of those properties adversely impacted by the decision.

We are writing to outline the impacts of this project to us as property owners and our pristine marine ecosystem with the desire to preserve the Oakland Bay environment by preventing final approval of this propose project. The Taylor Shellfish “floating oyster farm” creates very significant impacts:

- 1. Property Views:** As a homeowner, our primary concern is for preservation of the property views over Oakland Bay and the negative impact floating oyster farm will have to our property value. Installation of the farm will significantly decrease the value of Oakland Bay properties, which if the State and Mason County continues with the lease and approves the permit, is a governmental “taking” through diminution in value for all adjacent properties. We request the Hearings Examiner consider the impact of this decision upon the entire Oakland Bay community and requirement for compensatory damages for each ownership of property impacted.
- 2. Operational Limitations:** As proposed, Taylor Shellfish operations will occupy an area that is twice the size of an aircraft carrier. Care and maintenance activities surrounding the area are unrestricted. If approved, the carbon emissions in Oakland Bay will increase as Taylor’s vessels will operate daily, without restriction or regulation. This will turn a serene recreational area into industrial farm with the impacts of increased traffic, noise pollution and carbon emissions. .
- 3. Recreation:** Restrictions on recreational opportunities on Oakland Bay will occur as the finished construction will prevent small vessels from passing over the farm. Watercraft will no longer transit north-south through the central portion of the bay, and due to 2,000-foot length of the farm, will be required at a minimum to travel an additional half mile sailing or rowing for both legs of a trip. The potential restriction of this area of the bay diminishes recreational boating opportunities for all people using the bay. It is very unfortunate this land lease has been finalized without regard to the recreational and outdoor sports participants depending upon Oakland Bay as a safe, reliable water for these activities.
- 4. Environmental impact to marine and aquatic life:** This oyster farm will cause disruption of the entire ecosystem; impacted will be sea mammal activity, including resident whales. As avid kayakers of Oakland

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Bay, we will not be able to traverse the waterway freely, but rather be forced a 1/2 a mile around. Instead, whatever peace and quiet we experience now will be replaced by unmonitored Taylor staff around the oyster installation and we will lose all the natural beauty that exists there now.

5. We are opposed to final approval of the Taylor Shellfish project by Mason County.
  - a. This land lease has been finalized without regard to the recreational use of Oakland Bay as a safe and pristine area for kayaking, swimming, sailing and canoeing.
  - b. This land lease has been finalized without regard to the negative financial impacts it will have to the property values of the properties looking out on the floating oyster farm.
  - c. This land lease has been finalized without regard to the negative impacts of increased motor boat activity (noise pollution and carbon emission)
  - d. This land lease has been finalized without regard to the marine mammals (whales) who use the bay for feeding and rest

Sincerely,

*Melissa Kennedy and W. Dave Boynton*



BRICKLIN & NEWMAN LLP  
lawyers working for the environment

Reply to: Seattle Office

May 4, 2023

VIA EMAIL TO: LViscusi@MasonCountyWA.gov

Luke Viscusi, Planner  
Mason County Community Development  
615 W. Alder St.,  
Shelton, WA 98584

**RE: SEPA Comments on Application of Taylor Shellfish for Shoreline Substantial Development and Shoreline Conditional Use Permit (SHR2023-00003)**

Dear Mr. Viscusi:

Our firm represents Friends of Oakland Bay. We submit the following SEPA comments on the group's behalf regarding the proposed Application of Taylor Shellfish for Shoreline Substantial Development and Shoreline Conditional Use Permit (SHR2023-00003). We anticipate submitting comments on the underlying permit applications at a later date.

This is, to our knowledge, the first time that Mason County has considered permitting a floating oyster aquaculture project. It is important that the county conduct a thorough analysis of this proposed project under SEPA, because this application may be the first of many similar applications in the county.

SEPA's purpose is to ensure that government decisions with environmental impacts are well-informed. SEPA imposes an affirmative requirement on the County to make sure it has information sufficient to assess a project's environmental impacts. This is particularly so when, as here, the project is novel and the impacts not well understood.

As detailed below, the application and related materials do not provide sufficient information to allow the county to meet its SEPA obligations. The County should defer making any decisions until more complete information is obtained. If the County were to proceed now without adequate information, it should take the cautious approach and require an environmental impact statement to better inform the later permitting decisions.

## **I. THE COUNTY LACKS SUFFICIENT INFORMATION TO ISSUE A THRESHOLD DETERMINATION OF NONSIGNIFICANCE UNDER SEPA**

The county lacks information regarding the probable, significant, adverse impacts to views, recreational boating, and the ecological environment. The County also lacks information on where the floating aquaculture gear will go for “a few weeks” every year. No SEPA or other decisions should be made until adequate information is obtained.

### **A. SEPA’s procedural requirements.**

SEPA’s mandates are aimed at improving decision-making by assuring that agency decisions are based on adequate information about a proposal’s environmental impacts. *Polygon Corporation v. Seattle*, 90 Wn.2d 59, 578 P.2d 1309 (1978), citing *Norway Hill Preservation & Protection Ass’n v. King County Council*, 87 Wn.2d 267 (1976). SEPA further requires that the County demonstrate that environmental impacts were considered in a manner sufficient to amount to *prima facie* “compliance with the procedural requirements of SEPA.” *Sisley v. San Juan County*, 89 Wn.2d 78, 64 (1977). SEPA regulations specifically require that the County “carefully consider the range of probable impacts, including short-term and long-term effects” of a proposal. WAC 197-11-060(4)(c).

At the outset, the County must decide whether a proposal’s impacts are significant enough to warrant preparation of an environmental impact statement. This so-called “threshold determination” is probably the most important single step in the SEPA process. The public policy of SEPA is thwarted if an EIS is not prepared for a project with significant impacts. *Norway Hill Preservation and Protection Association v. King County Council*, 87 Wn.2d 267, 273 (1976).

Consequently, the threshold determination must be based on “information reasonably sufficient to evaluate the environmental impact of a proposal.” WAC 197-11-335; WAC 197-11-330; *Anderson v. Pierce County*, 86 Wn. App. 290, 301 (1997). *See also Norway Hill Preservation and Protection Ass’n v. King County Council*, 87 Wn.2d 267, 276 (1976); *Spokane County v. E. Wash. Growth Management Hr’gs Bd.*, 176 Wn. App. 555, 579 (2013), *rev. den.* 179 Wn.2d 1015 (2014).

The threshold determination “must indicate that the agency has taken a searching, realistic look at the potential hazards and, with reasoned thought and analysis, candidly and methodically addressed those concerns.” *Conservation Northwest v. Okanogan County*, 194 Wn. App. 1034, 2016 WL 3453666, 32 (2016). “SEPA seeks to ensure that environmental impacts are considered and that decisions to proceed, even those completed with knowledge of likely adverse environmental impacts, are ‘rational and well documented.’” *Columbia Riverkeeper v. Port of Vancouver, USA*, 188 Wn.2d 80, 92 (2017) (quoting 24 Wash. Practice: Environmental Law and Practice § 17.1, at 192). This information must be adequate to demonstrate that the agency has taken the requisite “hard look” at environmental impacts. *Pub. Util. Dist. No. 1 of Clark County*, 137 Wn. App. 150, 158 (2007).

For the purpose of deciding whether an EIS is required, the relevant information necessary to assess the project impacts begins with the environmental checklist that is submitted with the application. The information provided in the checklist must be detailed and complete. *Spokane County v. E. Wash. Growth Management Hr'gs Bd.*, *supra*, 176 Wn. App. at 579. *See also Conservation Northwest v. Okanogan County*, 194 Wn. App. 1034, 2016 WL 3453666, \*32 (2016). Broad generalizations and rote answers in a checklist are condemned as improper. *Id.*

But the checklist is not the only source of information. A threshold determination must be based on the information in the environmental checklist and any additional information that is requested by the responsible official. WAC 197-11-335. More specifically, “[i]f information on significant adverse impacts essential to a reasoned choice among alternatives is not known, and the costs of obtaining it are not exorbitant, agencies *shall* obtain and include the information in their environmental documents.” WAC 197-11-080(1) (emphasis supplied). When there are “gaps in relevant information,” agencies “shall make clear that such information is lacking or that substantial uncertainty exists.” *Id.* at -080(2). Agencies may proceed in the absence of vital information only if the cost of obtaining the missing information is “exorbitant,” or the means of obtaining such information is “speculative or unknown.” If they proceed without that information, they must prepare a “worst case analysis.” WAC 197-11-080 (text following subsection (3)(b)).

**B. The County lacks information needed to make a threshold determination.**

The applicant failed to provide information sufficient for the county to analyze the probable, significant, adverse environmental impacts of the proposed project. More information is needed from the applicant before the county can make a threshold determination.

1. Information on aesthetic impacts to views is lacking.

The proposed floating aquaculture project would be approximately one-half mile long and one-quarter mile wide in the middle of Oakland Bay. The project area covers 50 acres—more than 2 million square feet—in the middle of Oakland Bay. Within that area, parallel lines of floating oyster bags approximately 2,000 feet long would be fixed to large floats at either end. The massive array will be lit with navigation hazard lights at night. The visible portions of the project, only considering the floating oyster bags and not the space between them, would be far larger in area than a Nimitz class aircraft carrier, which has deck space of approximately 4.5 acres.<sup>1</sup> During harvest and maintenance periods, boats or floating platforms with hoist systems would be active in and around the lines of floating bags. *See generally*, Exh. 8, Applicant’s Habitat Management Plan at PDF pages 12–15.

The project would have substantial adverse effects on the views across Oakland Bay from many residential properties along the bay, including from the properties where members of Friends of Oakland Bay live. The project would also have substantial adverse effects on the views enjoyed

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<sup>1</sup> <https://illumin.usc.edu/taking-off-and-landing-on-an-aircraft-carrier/#:~:text=The%20Navy%20currently%20uses%20Nimitz,1>).

from recreational boats on the bay. But the applicant did not provide to the County a viewshed analysis.

Figure 1, below, shows the existing view across Oakland Bay from the deck of the property owned by one of the members of Friends of Oakland Bay. The project would be prominent within this view.

**Figure 1 – Existing View Across Oakland Bay**



Figure 2, below, shows a sailboat anchored in Oakland Bay within the footprint of the proposed floating aquaculture project. This sailboat is owned by members of Friends of Oakland Bay and this picture was taken from their property on the shore of the bay, overlooking the proposed project site.

**Figure 2 – Sailboat in the Footprint of the Proposed Project**



Now imagine in the middle of these classic Northwest marine scenes an array of floating aquaculture gear covering an area equivalent to more than two aircraft carriers. These beautiful views would be destroyed. Similar views from dozens of other residential properties, Sunset Bluff County Park, and from boats on the water would also be destroyed by the proposed project.

To assess the project's aesthetic impacts, the applicant should have supplied a viewshed analysis. That analysis would allow the county, the public and other agencies to assess the expected visual impacts from numerous vantage points on land and on the water. The visual impacts cannot be adequately assessed without such an analysis.

Instead of providing a comprehensive view assessment, the applicant has provided a single image of how Oakland Bay would look after installation of the floating bags from one perspective. While views should be assessed from more than a single perspective, this image demonstrates the likelihood of significant aesthetic impacts from many vantage points on the water and from the nearby shorelines:

**Figure 3 – View of Floating Aquaculture Bags**



Applicant's Habitat Management Plan at PDF page 14.

The stark difference between Figure 3 and Figures 1 and 2, above demonstrates that more information regarding aesthetic impacts to views, including a viewshed analysis, is needed. A threshold determination without that information is premature.

A neglected aspect of the visual analysis seems to be the impact that navigational hazard lighting will have on views across the Oakland Bay in the evening and at night. That information also should be obtained before a threshold determination is made.

2. Information on impacts to recreational boating is lacking.

The County has a policy to assure that proposals of this type are evaluated for their impacts to recreational boating. SEPA requires that the County assess those impacts based on adequate information. But the applicant has provided almost no such information and the County, to our knowledge, has not filled those data gaps. No threshold determination can be made until the County obtains adequate information to assess this critical issue.

The county's aquaculture policy 13 states: "Floating aquaculture should be reviewed for conflicts with other water dependent uses in areas that are utilized for moorage, recreational boating, sport

fishing, commercial fishing or commercial navigation.” MCC 17.50.210(A)(13). Figure 3, above, shows how long lines of floating aquaculture bags would impact and impede recreational boating. But the applicant failed to provide sufficient information for the county to assess these impacts. Moreover, the information the applicant did provide is misleading in several respects.

First, the applicant asserts: “The Site of the Proposal is located in an area that has formerly been utilized for log storage without any history of conflicts with other water-dependent uses.” Permit Application Addendum at PDF page 5/19, Response to Aquaculture Policy 13. But to our knowledge, this area of Oakland Bay has not been used for log storage since sometime in the 1980s, approximately 40 years ago. That this area of the bay may have been used for log storage 40 years ago does not mean that the proposed floating aquaculture project would not conflict with recreational boating today. The applicant does not provide the county with information sufficient to assess the impacts of the project on recreational boating in 2023 and the coming decades.

Second, the applicant states: “Only 9.1 acres of the 50-acre Site will be occupied by the oyster cultivation gear.” Permit Application Addendum at PDF page 5/19, Response to Aquaculture Policy 13. But in the next sentence, the applicant admits that the project would “[limit] recreational access to the 50-acre Site[.]” *Id.* The applicant’s repeated assertions throughout the application that “only 9.1 acres” will be occupied by oyster cultivation gear seems to be based on only measuring the surface area of the bags themselves, without acknowledging that multiple parallel lines of oyster bags would stretch across the middle of the bay. Moreover, 9.1 acres is more than twice the area of the deck of a Nimitz class aircraft carrier, hardly a small obstruction to recreational boating.

Third, the applicant asserts that “the Site occupies a small portion of the Bay, and there are unimpeded opportunities to conduct recreational activities on all sides of the Proposal.” But members of Friends of Oakland Bay who enjoy recreational boating, especially sailing, currently enjoy being able to sail *across* the bay, not merely pattering around the edges of the bay. A 50-acre exclusion zone in the middle of Oakland Bay would likely be a significant adverse impact to recreational boating and sailing. The applicant fails to provide information sufficient to assess these significant impacts. Indeed, the applicant goes so far as to assert, without any supporting information, that Oakland Bay “is not significantly used for navigation, recreation, or sport or commercial fishing.” *Id.* But Oakland Bay is used for recreation—including recreational sailing—and sport fishing by the members of Friends of Oakland Bay.

The applicant, while trying to minimize the proposed project’s impacts on other water dependent uses, admits that the proposed project would be a significant obstruction to, and conflict with, those other uses. The applicant proposes to move its entire operation to some other undisclosed location for a few weeks every year to provide fishing access to the Squaxin Island Tribe. *Id.* But that does nothing to eliminate or reduce impacts to fishing and navigation the other 48–50 weeks of the year.

The County needs more complete and forthright information about navigational impacts. A threshold determination of the project’s significant impacts is premature.

3. Information on ecological impacts is lacking.

The applicant did not supply the county with information sufficient to analyze the ecological effects of a very large floating oyster aquaculture project—a type of project never before permitted by the county. The 50-acre project area is equivalent to about 39 football fields and would extend across more than a quarter of the width of Oakland Bay—an enormous ecological footprint.

The applicant admits to the possibility of adverse ecological impacts, stating, for example, that the “degree of environmental impact is related to site-specific conditions, such as water depth, current velocity, and sediment movement, and intensity of culture practices.” Applicant’s Habitat Management Plan at PDF page 38. Here, as the applicant admits, “Oakland Bay is a protected embayment that results in a lower energy environment[.]” *Id.* That low energy would likely be further lowered by the project, because floating aquaculture significantly reduces the strength of tidal currents. Ahmed OO, Solomon OO (2016) Ecological Consequences of Oysters Culture. *J Fisheries Livest Prod* 4:198. Doi: 10.4172/2332-2608.1000198.<sup>2</sup> Because of Oakland Bay’s low energy environment, ecological impacts are likely to accumulate and remain concentrated in the 50-acre proposed project area. And the proposed project is certainly a high “intensity of culture practices.”

The applicant admits to ecological impacts regarding water circulation, stating: “The proposed Project can potentially influence water circulation by adding culture gear.” Applicant’s Habitat Management Plan at PDF page 35. But the applicant asserts that impacts on water circulation would be minimal, relying on a study (Turner et al., 2019) of commercial oyster aquaculture sites in the southwestern portion of Chesapeake Bay. But the applicant fails to note important differences between the operations studied in Chesapeake Bay and the proposed project in Oakland Bay. First, the off-bottom oyster cages in the Turner study were much smaller in both area footprint and numbers of oysters than the in the proposed project. Second, Chesapeake Bay had high levels of tidal and wave action flushing, unlike the low-energy Oakland Bay.

Without information from the applicant sufficient for the county to assess the site-specific ecological impacts of the proposed project, the county lacks important information needed to make a threshold determination.

4. Information on where the aquaculture gear will go for “a few weeks” every year is lacking.

The applicant proposes to move its entire operation to some other location for a few weeks every year to provide fishing access to the Squaxin Island Tribe. *Id.* But the applicant does not identify where the oyster gear will be moved. SEPA requires the county’s responsible official, in

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<sup>2</sup> Available at: <https://www.omicsonline.org/open-access/ecological-consequences-of-oysters-culture-2332-2608-1000198.php?aid=83576>. This study is not cited or addressed by the applicant.

determining the significance of an impact, to take into account that: “The same proposal may have a significant adverse impact in one location but not in another location[.]” WAC 197-11-330(3)(a). Without information from the applicant about the annual secondary location for acres of gear, the county lacks important information needed to make a threshold determination.

## **II. THE INFORMATION PROVIDED BY THE APPLICANT TO THE COUNTY SHOWS THAT A DETERMINATION OF SIGNIFICANCE IS REQUIRED**

While the information provided by the applicant to date is insufficient for the county to analyze the probable, significant, adverse environmental impacts of the proposed project, the applicant admits to impacts sufficient to show that once adequate information is submitted, a determination of significance (*i.e.*, an EIS) will be required.

A determination of nonsignificance is only appropriate when the responsible official determines that “there will be no probable significant adverse environmental impacts from a proposal[.]” WAC 197-11-340(1). In all cases where “may have a probable significant adverse environmental impact[.]” a determination of significance is required. WAC 197-11-360(1).

These rules include an important distinction regarding the degree of confidence when deciding whether to issue a determination of non-significance (DNS) or a determination of significance (DS). A DNS can only be issued if “*there will be no* probable significant adverse environmental impacts” from the proposed project. But the county need not determine that there “will be” probable significant adverse environmental impacts from the project to issue a determination of significance (DS). If there “*may*” be probable significant adverse environmental impact, a DS (and EIS) are required.

### **A. Aesthetic impacts to views are probable, significant, and adverse.**

The applicant proposes to place 600 floating oyster culture bags in the middle of Oakland Bay. The floating bags would be arranged in 30 parallel lines of bags, each line approximately 2,000 feet long with large floats at each end. The lines of bags would be lit with navigation hazard lights, visible in the evening and at night. The total surface area of the floating bags would be 9.1 acres, more than twice the area of a Nimitz class aircraft carrier. The project site area, from which recreational boaters, anglers, and other water dependent uses would be excluded, is 50 acres. During installation and maintenance, boats or floating work platforms equipped with cranes and hoists would be highly visible within the project site area.

The applicant has not supplied the county with sufficient information to assess the full scope of the proposed project’s adverse impacts to views from across the bay and from boats on the bay, as discussed above. But the information supplied to date establishes that the proposed project may have a probable significant adverse environmental impact on views. An EIS is required.

**B. Impacts to recreational boating are probable, significant, and adverse.**

The proposed 30 parallel lines of floating oyster bags, each line 2,000 feet long, stretched across 50 acres in the middle of Oakland Bay may have a probable significant adverse environmental impact on recreational boating. Members of Friends of Oakland Bay and the general public, including users of the nearby public park, enjoy boating on the bay. They are currently able to sail or kayak across the bay from one side to the other. The proposed project would put a stop to that by placing a 50-acre navigational obstacle in the middle of the bay. This alone establishes that the proposed project may have a probable significant adverse environmental impact on recreational boating. This is especially true for sailing. The path a sailboat takes is often dictated by the wind and moving a sailboat upwind requires tacking back and forth across the bay. The applicant's project would exclude boaters from the middle of the bay and would require recreational sailboats to navigate around a 50-acre obstruction in the middle of the bay. Similarly, recreational kayakers would no longer be able to launch from their property and paddle across the bay. Instead, kayakers would be forced to paddle a circuitous route around a 50-acre navigational obstruction to reach the other side of the bay.

The applicant has not supplied the county with sufficient information to assess the full scope of the proposed project's adverse impacts to recreational boating. But the information supplied to date establishes that the proposed project may have a probable significant adverse environmental impact on recreational boating. An EIS is required.

**C. This proposed project may set a precedent for future actions with significant effects.**

This is the first time that Mason County has considered permitting a floating oyster aquaculture project. It is important that the county conduct a thorough analysis of this proposed project under SEPA, because this application may be followed by many similar applications. The precedent-setting nature of this proposal must be taken into account and requires a determination of significance and full environmental analysis in an EIS. The responsible official, in determining whether the proposed project may have significant impacts, "shall take into account [that a] proposal may to a significant degree . . . Establish a precedent for future actions with significant effects[.]" WAC 197-11-330(e)(iv).

**III. CONCLUSION**

For all the forgoing reasons, the county should demand more information regarding the proposed floating aquaculture project's probable, significant, adverse environmental impacts and, now or once that information is provided, issue a determination of significance so that a full environmental review is prepared. Only that will allow the county, other agencies, and the public to fully evaluate the project's environmental effects and make a well-informed evaluation of the permit applications.

Griefen to Mason County Community Development  
May 4, 2023  
Page 11

Very truly yours,

BRICKLIN & NEWMAN, LLP

A handwritten signature in blue ink, appearing to read 'Zachary K. Griefen', is written over the typed name.

David A. Bricklin  
Zachary K. Griefen  
*Counsel for Friends of Oakland Bay*

cc: client

Luke Viscusi, Planner  
Mason County Community Development  
615 W. Alder St,  
Shelton WA 98584

May 4, 2023

**RE: SEPA Comments on Application of Taylor Shellfish for Shoreline Substantial Development and Shoreline Conditional Use Permit (SHR2023-00003)**

Mr. Viscusi,

We are property owners on Oakland Bay (1140 East Sunset Road). We have received from your agency a Notice of Application and Public Hearing regarding a proposal from Taylor Shellfish, the applicant, for a Shoreline Substantial Development and Shoreline Conditional Use Permit (SHR2023-00003) to grow Pacific oysters and install a floating oyster bag system in Oakland Bay, adjacent to our shoreline property. Herein, we are submitting comments in opposition to this application and the proposed project, based on the failure to acknowledge the existence of substantial negative impacts on the Oakland Bay ecosystem, including the inhabiting fish and wildlife, and of significant negative impacts to the aesthetic value of Oakland Bay to property owners and the general public. Our comments object to the Mason County Determination of Non-Significance issued on April 19, 2023, based on failure to involve the public in identifying probable significant, adverse environmental impacts of the proposed action. Also, we provide comments on technical materials available from public records provided to us by Mason County as well as additional documents we consider relevant to the issues associated with the project and used as evidence supporting a Determination of Non-Significance for the project.

**Process Failures**

State Environmental Policy (RCW 43.21C.031) requires the responsible official (Mason County) to consult with agencies **and the public** to identify probable significant, adverse impacts which are significant.

Mason County has conducted no public consultation on the Taylor Shellfish proposed floating oyster bag system project. Notification to a limited number of landowners in the Oakland Bay area to provide comments on this project a project less than two weeks before the submission end date does not indicate the existence of a public consultation process. Mason County officials have been aware of the proposed project for at least four years.

Mason County claims the project is consistent with policies of the County's Shoreline Master Program (SMP). The Purpose and Intent of the SMP is clear:

"The shorelines of Mason County are among the most valuable and fragile of its natural resources and there is great concern relating to their utilization, protection, restoration and preservation. In addition, ever-increasing pressures of additional uses are being placed on the shorelines, necessitating increased coordination in the management and development of the shorelines..."

Despite this claim of consistency, Mason County has selectively adhered to the SMP, choosing policies such as "MCC 17.50.210(a)" to prioritize aquaculture over other uses but minimizing the important context of that policy that states aquaculture "**is a preferred use of the water area**" ... "**when consistent with control of pollution and prevention of damage to the environment.**" No mention of equally

important policies of SMP is made by Mason County, including Ecological Protection, Critical Areas, No Net Loss policies (17.50.110) requiring “**current ecological functions be identified and understood when evaluating new uses and developments**”, Property Rights policies (17.50.135) “**This Program should not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.**”, Public Access policies (17.50.140) “**This program is intended to preserve and enhance the public's opportunity to enjoy the physical and aesthetic qualities of County shorelines.**”, and a policy so important to those of us who love Oakland Bay – Views and Aesthetics (17.50.145):

**“1. This program seeks to minimize obstructions of the public’s visual access to the water and shoreline from new shoreline developments while recognizing private property rights.**

**2. Shoreline use and development should not significantly detract from shoreline scenic and aesthetic qualities (as seen from land or from water) that are derived from natural or cultural features, such as estuaries, bluffs, beaches, vegetative cover and historic sites/structures.”**

Our “point of view” on Views and Aesthetics related to the Taylor Shellfish floating oyster bag system project is best conveyed with a picture taken last summer of one of our family’s favorite activities conducted in the proposed project’s area.



**Tarka  
Oakland Bay,  
2022**

For over eighty years the Tacoma built *Tarka* has cruised the beautiful passages and bays of Puget Sound. The search for pristine beauty recently reached Oakland Bay, the most distant salt bay from the Pacific Ocean in Puget Sound. Oakland

Bay is renowned by recreational boaters for its clean waters, rural setting, and unspoiled beauty. This jewel of a harbor is one of the last secluded havens in our increasingly altered environment that is now pressed by expanding development and, sadly, disappearing before our eyes.

The applicant accurately and bluntly describes the impact on this family activity – ***“Approximately 50 acres would become inaccessible to boaters due to the presence of floating culture gear.”***

## **Misrepresentation of Facts**

### **The Proposed Project is Not Minor to Negligible - Minimizing Negative Effects of the Project:**

The applicant consistently minimizes the magnitude of the project and related impacts by use of misleading statistics, such as the percentage of the area covered by the floating culture related to the total area of Oakland Bay - "0.3%".

#### **Exhibit 8 - Oakland Bay Floating Culture Habitat Management Plan:**

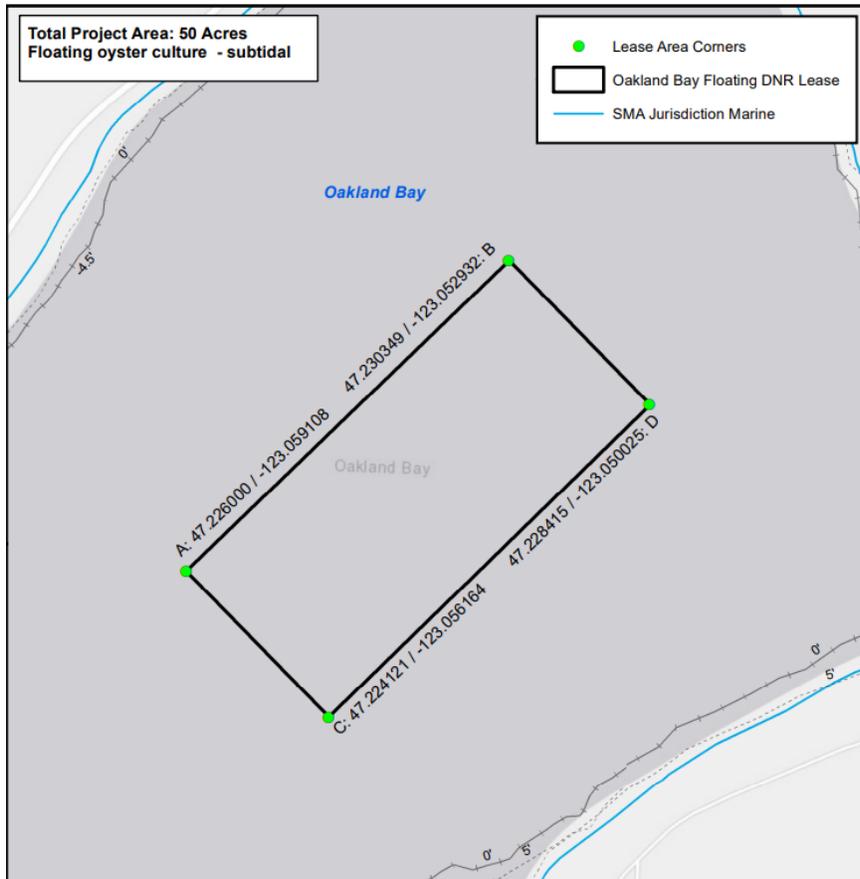
"The total area covered by floating gear will be approximately 9.1 acres within a 50-acre DNR lease area, which is 18.3% of the total Project site and 0.3% of Oakland Bay." (page 39)

"Both the low amount of added shellfish aquaculture to this area (0.3%) and the limited influence of a floating culture system makes this potential impact minor to negligible." (page 32)

"In addition, shellfish aquaculture operations are a relatively minor portion of Oakland Bay. For example, the proposed Project adds approximately 0.3% of culture and the combined amount of existing and proposed culture in the subtidal zone in Oakland Bay and Hammersley Inlet would result in less than 1%." (page 32)

"Both the low amount of added shellfish aquaculture to this area (0.3%) and the limited influence of a floating culture system makes this potential impact minor to negligible." (page 32)

Visual descriptions provide a clear picture of the project's enormous footprint on the Oakland Bay ecosystem, and demonstrate the applicant's flawed logic arguing negligible impacts.



The total project area is 50 acres. That is the equivalence of 39 football fields (more than 6 fields in width and more than 6 fields in length). The width of the project area extends over **27%** of the entire width of Oakland Bay. But the applicant prefers to use a creatively calculated **0.3%** to portray the floating culture proposal as having “minor to negligible” impacts.

Ecological impacts of the floating culture project are further minimized by the applicant’s failure to include technical citations of studies concluding negative effects. For example: Ahmed, et al, (2016) Ecological Consequences of Oysters Culture. J Fisheries Livest Prod 4: 198 listed the following potential impacts:

- Off-bottom culture significantly reduces the strength of tidal currents
- Net loss of energy, in the form of phytoplankton, from the ecosystem
- Bio-deposition and changes in seabed topography and sedimentation
- Introduction of invasive species, pests and diseases
- Habitat exclusion and modification and effects on sea-birds
- Accumulation of shell litter, debris and associated organisms and physical disturbance

The applicant does admit such negative impacts are possible. For example, in the Habitat Management Plan of Exhibit 8, Section 6, consultants for the applicant identify that “Shellfish aquaculture has been reported to result in increased biodeposition that may lead to changes in sediment characteristics”, and, “Suspended culture results in the transfer of organic matter to sediment, which can increase organic sediment content in areas with low flushing rates”. The consultant’s report also concludes that “The degree of environmental impact is related to site-specific conditions, such as water depth, current velocity, and sediment movement, and *intensity of culture practices.*” (emphasis added). But these potential negative effects are trivialized by arguing that “biodeposits from this proposed floating oyster culture system would be much lower compared to mussel rafts” and that “the low amount of added

shellfish aquaculture to this area (0.3%) and the limited influence of a floating culture system makes this potential impact minor to negligible” relying on the same misleading relative area calculation.

#### Studies Cited to Evaluate Water Circulation Effects Not Comparable to the Proposed Project

The applicant correctly identifies that “The proposed Project can potentially influence water circulation by adding culture gear” (Section 6.1.1 of Exhibit 8). However, the applicant inappropriately concludes this potential negative effect will be “minor.” The Applicant’s report relies on a study (Turner et al. (2019)) of commercial oyster aquaculture sites in the southwestern portion of Chesapeake Bay that are not comparable to the proposed Oakland Bay project in terms of gear or operation footprints. Measurements from the relatively small floating oyster cages set in large open-water Chesapeake Bay situations, should not be compared to the proposed, very large floating bag system set in the small, enclosed Oakland Bay ecosystem. Conclusions of the study cited are quite different than conclusions of the applicant:

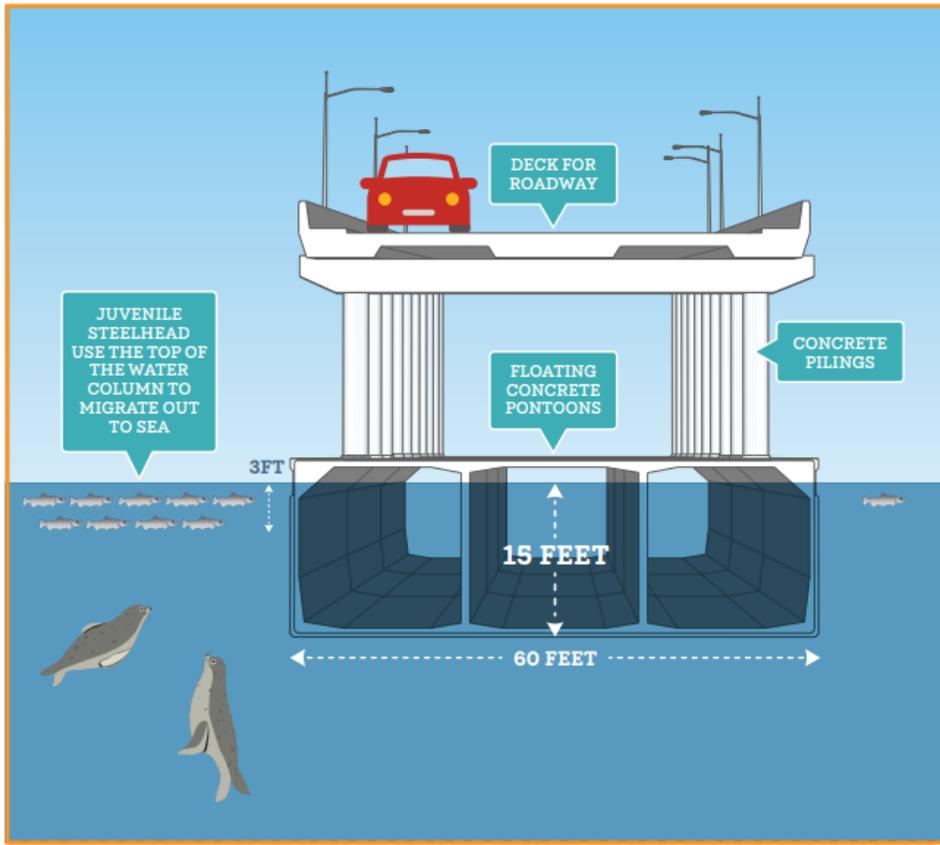
“The negligible impact of oysters at these sites is almost certainly due in part to the use of relatively low-density culture methods at sites with relatively high flushing rates. All farms in this study were situated in well-flushed areas with relatively short water residence times due to tidal currents and wave action. Farms in this study were also relatively low-density operations, with well-spaced cages resulting in < 60 oysters m<sup>-2</sup> (Table 4). This combination of growing conditions at the sites in this study are likely beneficial for both minimizing any potentially detrimental impacts of oyster aquaculture and maximizing oyster growth.”

Note the contrast between the high-density floating oyster bag system of the Oakland Bay proposal – “Each bag will be stocked with 200 to 5,000 oysters” – with the low-density of the Chesapeake Bay studies – “< 60 oysters m<sup>-2</sup>.” Further, the applicant’s Habitat Management Plan appears to ignore the recommendation of the cited study that “Reduction of wave and current energy by aquaculture gear is an important area for additional study.” The applicant introduces no proposal for additional study of water circulation effects associated with the project.

#### Very Large Floating Projects Are Likely to Impede Fish Migration

Applicant’s minimization of the proposed project’s large footprint onto the Oakland Bay ecosystem appears to be purposeful in ignoring the likelihood of negative effects on migrating fish, including ESA-listed Puget Sound steelhead. An example of serious consequences resulting from ignoring this potential is found with recent costly renovations to remedy negative impacts on steelhead, and other migrating salmonids of the floating Hood Canal Bridge. A recent report by Long Live The Kings noted that “nobody knew that the unique floating structure would become a trap of sorts for untold numbers of young salmon and steelhead.” The authors conclude that “Bridge structure affects predation of steelhead, water quality, and salmon behavior.

That mistake of ignoring potential effects proved to be costly, as current estimates are that “half of the juvenile steelhead that reach the bridge die there.” [Hood-Canal-Bridge-Assessment-Report-Summary-1.pdf \(lilk.org\)](#)



The Hood Canal Bridge's large concrete pontoons pose a challenge for fish and an opportunity for predators.

Clearly the Hood Canal Bridge is a much larger floating structure than the proposed floating oyster bag culture project. However, especially considering ESA-listed species such as Puget Sound steelhead and chinook salmon are identified as active migrants within the project area - "ESA-listed Chinook salmon could be present in the Project site on a limited basis during the spawning migration and juvenile outmigration phase of their life-history (i.e., primarily mid to late summer and spring, respectively)" - the 50 acre Oakland Bay proposal must be considered in a precautionary manner. As described in Exhibit 8, "Steelhead present within the action area would likely be migrating and are unlikely to occur in the area for an extended period." This is

exactly the point of concern, as a large floating structure is likely to impede the normal migration process, increasing risks associated with delayed migration such as predation by harbor seals also known to inhabit Oakland Bay.

Other migrating wildlife, including ESA-listed and non-listed species would likely be affected by the large floating structure as proposed.

The applicant's Habitat Management Plan is dismissive of the possibility for Southern Resident Killer Whales to utilize Oakland Bay, but SRKW are known to prey on chum salmon that are abundant in the area although they have not been observed within the subject area recently - "While there have been sightings of killer whales in the vicinity of Oakland Bay, these have primarily been of the transient population (which are not ESA-listed)." The fact that transient orcas are not ESA-listed should not diminish the importance of limiting actions that are likely to increase risk for negative impacts. Transient orcas were observed and documented in the immediate vicinity of the proposed project during the summer of 2022. The applicant's Habitat Management Plan completely ignores the overlap in migratory or feeding activity of these important members of the Oakland Bay ecosystem and potential negative impacts on their behavior.

The applicant's Habitat Management Plan acknowledges the use of Oakland Bay by seabirds, particularly migrating, over-wintering sea ducks that feed throughout the Bay that rely on availability of clean, quiet, open marine water habitat. Apparently, Taylor Shellfish considers the impact on seabirds in a manner

similar to those of boaters – “***Approximately 50 acres would become inaccessible to seabirds due to the presence of floating culture gear.***”

Thank you for considering our comments with your evaluation of the impacts of this incredibly impactful project,

Erin and Pat Pattillo  
1140 East Sunset Road  
Shelton, WA

**Luke Viscusi**

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**From:** laurie Elder <elder-lewis@msn.com>  
**Sent:** Thursday, May 4, 2023 1:53 PM  
**To:** Luke Viscusi  
**Subject:** Taylor Shellfish oyster float permit request it (SHR2023-00003)

**Caution: External Email Warning!** This email has originated from outside of the Mason County Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, DO NOT DO SO! Instead, report the incident.

Thanks for responding Luke. I am a little confused by your questions as the letter sent to my home requested that comments be sent to you regarding the Taylor Shellfish oyster float permit application it (SHR2023-00003)

In response, yes I would like my comments on the record for the Public Hearing, and also included in the project record comments related to the SEPA. Specific to the SEPA determination, it seems reasonable that the EIS would be needed to identify and analyze the impacts of the proposed development. That is where the “evidence of probable significant adverse impact” would be explored and analyzed.

Specific to the SEPA determination I think the proposed development has the potential to result in adverse impacts to the natural and built environment that warrant a more comprehensive analysis through the full EIS. The bay is part of a sensitive ecosystem, with a delicate balance of land and marine wildlife, tributaries, shorelines, wetlands, sport and recreational boating, fishing and other uses. All of this should be taken into consideration by conducting a full EIS. In addition there should be a comprehensive evaluation of reasonable alternatives, including “do nothing”, required before approving this project. Please include this as a SEPA comment as well as a part of the public hearing record. Thank you, Laurie Elder (1060 E sunset road)

**From:** Luke Viscusi <LViscusi@masoncountywa.gov>  
**Sent:** Thursday, May 4, 2023 12:45 PM  
**To:** LAURIE A ELDER <elder-lewis@msn.com>  
**Cc:** Gavin Scouten <GScouten@masoncountywa.gov>  
**Subject:** RE: [CAUTION: SUSPECT SENDER] Question Received from the Mason County Website

Hello Laurie,

To clarify, would you like me to add your previous email as a formal public comment that will be added to the record for the Public Hearing (on May 24<sup>th</sup>)? Or are you just expressing your thoughts and opinions to me?

The reason I need to clarify is because I (a county permit reviewer), cannot approve or deny this proposal. My job is to determine whether the proposal meets Mason County Code. If it meets our codes, I have to recommend approval and if it does not meet our codes, I recommend denial. That will be detailed in a staff report that I am currently working on. I will give a recommendation to the Hearing Examiner, and it is ultimately the Hearing Examiner’s decision whether the project meets code based on my recommendations, his interpretation of the code, and any testimony he feels should be taken into consideration.

Our permitting is not a popularity contest – it is strictly a question of does the project meet the code requirements. If approved, the Dept of Ecology must also approve the permit for it to be issued. The project will also need permits from the WA Dept of Fish and Wildlife and the Army Corps of Engineers.

In regard to your objection, I can include your email as a SEPA comment that will be added to the record for the project if you would like. I issued the Determination of Non-Significance after review of their application materials, which you

can request access to (just formally request them in an email). The WA Dept of Fish and Wildlife, the Army Corps of Engineers, Squaxin Island Tribe, the WA Dept of Natural Resources, the WA Dept of Ecology, the Port of Shelton, the Dept of Archaeology and Historic Preservation, and the WA Dept of Health were all notified about the proposal. None of those agencies have yet to reach out about any environmental concerns they have about the project. I understand the desire for an environmental impact statement, but I have not been given enough evidence that the project could cause probable significant adverse impact to one or more environmental resources.

If you feel comfortable, you can also reach out to Erin at Taylor Shellfish ([erine@taylorshellfish.com](mailto:erine@taylorshellfish.com)). Erin is essentially the project manager for the proposal. She is very open to questions and concerns about the proposal.

Sincerely,

Luke Viscusi (he/him) | Planner  
Mason County Community Services  
Office # 360-427-9670 ext. 282  
Cell # 360-490-3103  
[LViscusi@MasonCountyWA.gov](mailto:LViscusi@MasonCountyWA.gov)

-----Original Message-----

From: LAURIE A ELDER <[elder-lewis@msn.com](mailto:elder-lewis@msn.com)>

Sent: Thursday, May 4, 2023 11:33 AM

To: Luke Viscusi <[LViscusi@masoncountywa.gov](mailto:LViscusi@masoncountywa.gov)>

Subject: [CAUTION: SUSPECT SENDER] Question Received from the Mason County Website -

Caution: External Email Warning! This email has originated from outside of the Mason County Network. Do not click links or open attachments unless you recognize the sender, are expecting the email, and know the content is safe. If a link sends you to a website where you are asked to validate using your Account and Password, DO NOT DO SO! Instead, report the incident.

From: LAURIE A ELDER

Dept Sent To: Luke Viscusi

Message: I am writing to express my concern about the proposed oyster float on Oakland Bay. This structure would sit directly in front of my property on E Sunset Road. Currently I see the beautiful water of the bay, the movement of the tides, the hill on the far west shore and the Olympic Mountains beyond. Needless to say this is the reason I invested in this property 28 years ago, and why I come to Shelton, shop here and introduce friends to the area, and pay my taxes. Having this structure in the middle of the view will definitely reduce the value of my property, all for Taylor Shellfish benefit. That's money out of the pocket of my children.

I also object to the finding of no environmental impact. Surely this large a structure will interfere with the strong tidal action in the bay that feeds the perfect environment for clam AND oysters on the beach. I was told by the owners of my property when we purchased that Simpson Timber had log floats in the bay ( I have aerial photos confirming this) and that the impact on the tides was so great that the clam population nearly died. This should be of great concern to the County, enough to warrant an environmental impact study.

The clam and oysters on all our beaches are not only a source of food for us, but also income, as most of us contract with the tribe or other shellfish harvesters and share in the income generated. This benefits us, the County, the tribe, and also Taylor Shellfish, financially and also maintains the health of the shellfish populations and the Bay for all involved.

This decision by the County seems ill-advised, and overly benefits Taylor Shellfish at the expense of tax-paying citizens. I ask you to reconsider and reject this plan as currently proposed by Taylor Shellfish.

May 4, 2023

Luke Viscusi  
Planner  
Mason County Community Development  
615 Alder Street  
Shelton, WA 98584

Email: [lviscusi@masoncountywa.gov](mailto:lviscusi@masoncountywa.gov)

**Re: Permit Application SHR 023-00003, Taylor Shellfish Substantial Development and Conditional Use Permit  
Mason County Tax Parcels 320104100000, 320104100010, 320104200000, 320104300000, 320104400000**

Dear Mr Viscusi:

Our family has owned 25.1 acres on the east side of Oakland Bay and north of Chapman Cove for three generations. The tax parcels we own are referenced above. We are writing urging denial of the Taylor Shellfish application for the floating oyster bag farm proposed for the central portion of Oakland Bay.

We recently received a copy of the Notice of Application and Public Hearing were disappointed to learn the SEPA DNS has already been issued.

To preserve the Oakland Bay environment and recreational opportunities, this project should not be approved. The Taylor Shellfish "floating oyster farm" creates very significant impacts:

1. **Recreation:** The proposed project will prevent small vessels from passing over or through the farm. Being located in the central portion of the bay, watercraft from either the north or south sides of the farm will be required to travel an additional half mile sailing or rowing for both legs of a trip. This area of the bay significantly diminishes recreational boating opportunities for all people using these waters. Recreational and outdoor sports participants throughout our region have come to depend upon safe, reliable boating and other water related activities in Oakland Bay; if approved, this will no longer be the case.
2. **Property Views and Aesthetics:** As a land owner, our primary concern is for preservation of the property views, and therefore, values around Oakland Bay. Installation of the farm will significantly decrease the value of all Oakland Bay properties. If approved, the resulting property value impacts are in the millions of dollars and will certainly reduce property tax revenues for many years as owners appeal their assessed valuations.
3. **Project Scale:** As proposed, Taylor Shellfish operations will occupy an area adequate to build an industrial distribution center of more than 1 million square feet. It is a massive area – it is larger than the combined acreage needed for both Century Link and T-Mobile Park! Removing this area from recreational uses is ridiculous.

The farm operation will be disruptive and cause significant negative impact on the region. We are firmly opposed to final approval of the Taylor Shellfish project by Mason County.

Sincerely,

ZV Company and Peter and Melinda Wooding

A handwritten signature in black ink that reads "Peter Wooding". The signature is written in a cursive style with a large, looping initial "P" and a long, sweeping underline for the "g".

Peter Wooding



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Southwest Region Office  
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

May 4, 2023

Luke Viscusi, Staff Contact  
Mason County  
Planning Division of Community Development  
615 W. Alder St. Bldg. 8  
Shelton, WA 98584

Dear Luke Vicusi:

Thank you for the opportunity to comment on the determination of nonsignificance for the Oakland Bay Floating Culture Project (SEP2023-00007) as proposed by Taylor Shellfish Company. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287**

All removed debris resulting from this project must be disposed of at an approved site. Contact the Department of Ecology or the local jurisdictional health department for proper management of these materials.

**TOXICS CLEANUP: Dean Malte (360) 999-9584**

No confirmed or suspected contaminated sites are located on or within ¼ mile of the project area. If any contamination is unexpectedly encountered, please report it to Ecology (per WAC 173-340-300) via the online ERTS at <https://ecology.wa.gov/Footer/Report-an-environmental-issue/statewide-issue-reporting-form>.

**WATER QUALITY/WATERSHED RESOURCES UNIT:  
Jacob Neuharth (360) 742-9751**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
  - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
  - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
  - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Evan Wood at [evan.wood@ecy.wa.gov](mailto:evan.wood@ecy.wa.gov), or by phone at (360) 706-4599.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: [http://www.ecy.wa.gov/programs/wq/stormwater/construction/- Application](http://www.ecy.wa.gov/programs/wq/stormwater/construction/-Application). Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology  
Southwest Regional Office

(GMP:202301819)

cc: Derek Rockett, SWM  
Dean Malte, TCP  
Jacob Neuharth, WQ